

ABEEL UPES TO  
BE RELEASED

Recorder Goff Postpones Sentence and Orders District Attorney to Submit Answering Brief to Counsel's Argument.

NO CRIME COMMITTED,  
SAYS PRISONER'S LAWYER.

Only Desire of Defendant in Forging Letter, He Says, Was to Become Acquainted with Miss Eleanor Anderson.

There is a chance that young James Nelson Abeel, who under the name of Goetz, wooed Miss Eleanor Anderson, will go free.

Abeel was convicted last week of forgery in the third degree for having signed the name of John D. Van Every, Second Vice-President of the Western Union Telegraph Company, to a letter of introduction, whereby he had made Miss Anderson's acquaintance.

James Stearns, counsel for young Abeel, made a long argument today before Recorder Goff, declaring that Abeel had committed no crime when he signed Mr. Van Every's name to the letter.

"There was no crime committed," Mr. Stearns said, "because the letter of introduction had no legal validity, if genuine, and would not affect the property rights of the alleged maker, nor was it defamatory."

Mr. Stearns' argument was listened to by a courtroom of lawyers and appeared to make a deep impression upon the court, who directed the District Attorney to submit an answering brief on the question.

Adjourned Imposing Sentence.

The imposing of sentence on young Abeel was adjourned until Friday. In the meantime the defendant was remanded back to the Tugue.

The argument was taken on a motion by the defendant's attorney for an arrest of judgment. Mr. Stearns attacked the validity of the indictment, alleging it did not state facts sufficient to constitute a crime.

"The indictment," Mr. Stearns contended, "shows no criminal intent and the facts stated are consistent with innocence."

Mr. Van Every, Mr. Stearns said, was not injuriously misrepresented or affected by the alleged forged letter of introduction and the District Attorney did not prove on the trial that the document did not represent the sentiments of Mr. Van Every.

"No amount of misrepresentation which the letter might contain or any other person would be material," Mr. Stearns stated, "so long as the alleged signer is not injured."

Only Wish to Get Acquainted.

"The only desire of the defendant with this letter," Mr. Stearns went on, "was to become acquainted with Miss Anderson. There is no legal interference to show that he did not intend to marry her. His intention was to get acquainted with her."

Mr. Stearns quoted numerous authorities in support of his contention. One case in Illinois was similar to the case at hand, and was held by the Supreme Court there that the mere writing of a letter of introduction and the signing thereof, without any other name was not a forgery, inasmuch as it could not be said to be a subject of the supposed writer to any person.

This view, Mr. Stearns contended, was the only logical and sensible view of the matter. Young Abeel was not out to defraud or to injure any one, especially the complainant.

Recorder Goff denied the motion. It is intended to call the lawyers to appeal from his decision.

"MAN HIGHER UP"  
MADE \$100,000

kept the money. If no appointments followed they gave the money back when they had it. I don't think that Sonner ever exerted himself to visit the head of any city department in behalf of any man who had paid him one cent, and I think he holds the bulk of the bundle that he has collected."

Despite the assertions of the District Attorney he believes Sonner is on the "Man Higher Up" line and has a general impression among wise people that the names of men up in politics will be dragged into this matter. Duke made a veiled threat in the police court that he had in reserve a story that would make all New York sit up and take notice. The frantic eagerness of one of the men whose name has been mentioned in connection with the graft to keep in the background and his threat to sue any newspaper printing his name for \$100,000 damages have caused considerable curiosity.

Cannot Find Sonner.

The man Emil H. Sonner, to whom Duke says he turned over every cent of the money received by him for place and promotions in the Police and Fire Departments, cannot be found. Until three weeks ago he lived at No. 102 West Eighty-fourth street. At that time he informed the agent of the apartment house that he had just moved and he sent his household effects to a storage warehouse. He left with his wife and two children on the day the furniture was taken away.

Sonner Held in \$5,000.

Sonner is out on \$5,000 bail. Two charges of receiving money for getting appointments of men to the police force are pending against him, and on each of these charges he is held in \$2,000 bail. There is a third charge of perjury pending against him, and in this case his bail bond was fixed at \$1,000.

The information that Duke was the man who had furnished the District Attorney with information as to the identity of "the man higher up" was indignantly denied by that individual.

"I'm no squarer," said Duke. "I know my business too well to give away the man who stands back of me. The game is too good. I haven't been told that I must stop fixing men who want jobs and who are willing to pay for them, and until I am told to stop

SENATORS FROWN  
ON BATTLE-SHIPS

Out of Date They Think In View of Russia's Experience, and It Is Hoped Roosevelt Will Take Note.

## WASHINGTON, April 23.—Before

adopting the conference report on the Naval Appropriation bill, in the Senate today, the value of battle-ships in war was freely discussed, different Senators regarding their efficiency was a matter of doubt. Senator Hale opened the discussion, saying:

"Under the light of events that have transpired in the East," he began, "and the very remarkable developments in naval warfare that have been disclosed, it is a matter that has been open to me for some time, in favor of striking out of the bill the provision for the battle-ship, or that no steps be taken toward committing ourselves to this question until after the next session of Congress. But, as it has been agreed to by both houses, it was out of the jurisdiction of the conference committee."

"I may say that if I were Secretary of the Navy, in the present condition, I should not dare go on and commit the Government to the building of another immense battle-ship costing \$30,000,000."

After sessions of war between Russia and Japan took place to show the value of the battle-ship, and the safety of those immense and lofty battle-ships and the underarmament at present of committing ourselves to the further construction of them. The great and salient events of the war show how incomplete as an engine of war is one of these enormous, turret-battled ships. If she is struck below the water line and the center of gravity is disturbed she turns over like a turtle and everybody on board is drowned."

"If the language of the bill permissive or mandatory as to the construction of the battle-ship," Senator Hale asked, "is it permissive or mandatory?"

The language is permissive and undoubtedly the President and Secretary can withhold action. Mr. Hale replied, "I desire to call attention to the fact that the bill is permissive and not mandatory. It is a suggestion, not a command."

"The bill," Mr. Stearns contended, "shows no criminal intent and the facts stated are consistent with innocence."

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MAN AND WIFE  
KILLED BY GAS

Lives of Mr. and Mrs. Charles Merrier Might Have Been Saved Had Their Alarm Clock Gone Off on Time.

COUPLE WERE FOUND  
DEAD IN THEIR BED.

Gas in Their Room in a West Side Boarding-House Had Been Leaking for Hours, but Searchers Failed to Locate It.

A defective gas stop caused the death by suffocation to-day of Charles Merrier, forty-two years old, and his wife, Mary, thirty years old, in their room in the boarding-house of Mrs. Lena Pila, at No. 152 West Twenty-fifth street.

Husband and wife were employed as glove cutters in Plainfield. They went to bed early last night, setting their alarm clock for 5 o'clock this morning.

There are two stops on the single gas pipe in the room. In turning down the light, for it was still burning when the couple were found dead in bed, one of the stops was loosened and a thin stream of gas escaped from it.

Mrs. Pila and several of her lodgers smelled gas at midnight. A search party was organized, but the gas was not traced to the Merriers' room. Today when the couple failed to leave the house as usual, Mrs. Pila went to their room and found gas streaming through the cracks of the door.

She forced open the door, and found her two lodgers dead in bed. Both held newspapers in their hands, and one gas jet was still lit. Dr. Breckin, of the New York Hospital, said they had been dead several hours. The alarm clock had not gone off. The ambulance surgeon said that had it rung at the time set for it would have saved the couple's life.

But he declared that it would be used against Mrs. Powell at the trial; that he would press for a verdict of murder in the first degree and would not accept a compromise finding of guilty in a lesser degree.

Mr. Ward further said that the confession would be corroborated by other evidence. He expected the trial to last about two days, but is not able to say whether it will be called on Wednesday or later in the week.

The murder of Miss Albin was unusually brutal. Her body, which was cut and bruised in scores of places, had been dragged from the cellar to the attic of the Powell home. Suspicion rested upon Mrs. Powell, as she was the only person who had been seen about the house on the morning the murder occurred.

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WOMAN CONFESSES  
MURDER OF GIRL

Mrs. Powell, Who Had Been Arrested Charged with Slaying Essie Albin in February Last, Breaks Down.

PROSECUTOR WILL USE  
STORY TO CONVICT HER.

Mystery in Delaware Crime Has Been Cleared and Trial Will Soon Be Called—Jealousy Motive for Killing.

(Special to The Evening World.)

DOVER, Del., April 23.—Attorney-General Ward announced this afternoon that Mrs. Mary A. Powell has confessed to the murder of Essie Albin in the Powell home, near Bowlers Beach, in February last. The prosecutor who made this admission, after the indictment had been found, refused to say whether the confession was in writing or verbally.

But he declared that it would be used against Mrs. Powell at the trial; that he would press for a verdict of murder in the first degree and would not accept a compromise finding of guilty in a lesser degree.

Mr. Ward further said that the confession would be corroborated by other evidence. He expected the trial to last about two days, but is not able to say whether it will be called on Wednesday or later in the week.

The murder of Miss Albin was unusually brutal. Her body, which was cut and bruised in scores of places, had been dragged from the cellar to the attic of the Powell home. Suspicion rested upon Mrs. Powell, as she was the only person who had been seen about the house on the morning the murder occurred.

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GIRLS RUN FROM  
BURNING FACTORY

They Dart Down Stairways When Blaze Threatens Building, and Some Are Hurt in Mad Rush to Escape.

## The Bowery was entertained by an

other non-hour fire to-day. It started on the top floor of the six-story building at No. 82, occupied by L. Loesam as a paper-box factory, a few minutes after 12 o'clock, when most of the thirty-five women and ten men employed in the place were out to lunch.

There was no one on the sixth floor but the fireman when the blaze started and he ran down through the building giving the alarm and driving the few girls remaining before him. In the box factory at No. 84, owned by I. Cohen & Co., girls were leaving, and in the rush down the stairs some of them fell and were bruised.

The Loesam building is a ramshackle affair, with wooden stairways, partition walls and ceilings. The flames ate down to the second floor before they were checked and worked through into the buildings at Nos. 8